

Applicant : Gregory T. Galazin
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REMARKS

Reconsideration of the application as amended is requested.

Applicant notes with appreciation the Examiner's indication that claims 4-11 and 21-26 contain allowable subject matter. Claims 4 and 21 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims, and to correct the §112 matters noted by the Examiner. Accordingly, these claims are now believed to be in condition for immediate allowance, and a notice to this effect is earnestly solicited.

In the Office Action dated June 6, 2003, it was noted that Appendix B did not show the changes to claims 1-6 and 30-33. The present amendment shows the changes to claims 1-6 and 30-33.

The drawings were also objected to for various informalities. The description of the "piston" (reference numeral 30) has been changed to "mounting portion" and is therefore now believed to be accurate.

Reference numeral 156 has been added to the drawing, and the reference numeral "122" has been changed to "22" in the specification.

The reference numeral "58" on page 13, line 10 has been changed to "158".

"Figure 8" on page 13, line 12 has been changed to "Figure 9".

On page 13, line 27, "130" has been changed to "120".

The disclosure was objected to for several informalities, each of which has been corrected in the present amendment.

Claims 1-33 were rejected under 35 U.S.C. §112 (second paragraph) as being indefinite. Each of the §112 matters noted by the Examiner has been corrected, such that all claims are now believed to be clear and definite.

Claims 1-3 and 12 were rejected as being anticipated by VanDenberg U.S. Patent No. 5,788,263. Although the Office Action dated June 6, 2003 apparently contained a typographical error, Applicant believes that claims 13 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over VanDenberg '263, and have responded accordingly. Claims 15, 16, 19, 20 and 27-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over VanDenberg '263 in view of British Patent 1,203,386, and claims 17 and 18 were rejected

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under 35 U.S.C. §103(a) as being unpatentable over VanDenberg '263 in view of Dilling et al. U.S. Patent No. 5,366,237. Claims 30-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over VanDenberg '263 in view of British '386, and further in view of Dilling '237. Applicant respectfully submits that all the pending claims, as amended herein, patentably distinguish over the cited references.

Claim 1 has been amended to recite that the spring beam includes a looped portion at a second end configured to wrap around an axle and form an axle seat. The looped portion is flexible and defines a tip that is movable relative to the central portion of the spring beam. None of the cited references disclose such an arrangement. More specifically, VanDenberg '263 discloses a trailing beam 15 that extends completely around an axle 19. The remaining references are also not believed to disclose or suggest the flexible looped portion of claim 1, such that this claim is now believed to be allowable.

Claims 2, 3, 12 and 17 depend from claim 1, and are therefore believed to be allowable for those reasons set forth above with respect to claim 1.

Claim 13 has been rewritten in independent form, and the phrase "sufficient to prevent relative movement of the axle with respect to the axle seat under ordinary service" has been deleted. Applicant respectfully submits that the cited references do not disclose axle seats that are sized to substantially encircle the axle, and are in tension along an inner surface of the axle seat and compress the axle and evenly distribute a compressive load on the axle across at least two sets of diametrically opposed external surfaces of the axle as recited in claim 13. There is no teaching in VanDenberg '263 itself to provide such an arrangement, and VanDenberg '263 does not teach a way to provide the arrangement of claim 13. The trailing beams 15 of VanDenberg '263 are formed with a plurality of layers of laminate material 33. Applicant submits that is speculative to presume that one skilled in the art could, in fact, successfully provide the arrangement of claim 13 utilizing such a construction. Applicant notes that "in order to render a claimed apparatus or method obvious, the prior art must enable one skilled in the art to make and use the apparatus or method." *Motorola, Inc. v. Interdigital Technology Corp.*, 43 USPQ 2d 1481, 1489 (Fed. Cir. 1997) (emphasis added) (quoting *Beckman Instruments, Inc. v. LKB Produkter AB*, 13 USPQ 2d 1301, 1304 (Fed. Cir. 1989)). To the

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extent the Examiner is relying on general knowledge to negate patentability, Applicant respectfully requests that the Examiner articulate such knowledge and place it on the record. *See In re Lee*, 277 F.3d 1338, 1345, 61 USPQ2d 1430, 1433-35 (Fed. Cir. 2002). *See also In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Claims 14-17 depend from claim 13, and are therefore believed to be allowable for those reasons set forth above with respect to claim 13.

Claim 19 recites a spring mounted to a spring beam, wherein the axle seat longitudinal centerline is located outboard of the pivot axis longitudinal centerline. With respect to Great Britain 1,203,386, the relatively large width of the leaf springs discussed at column 2, lines 59-64 is believed to refer to either trapezium 2, or 2' (FIG. 2), each of which have a relatively large width adjacent the axle. Thus, Great Britain '386 does not appear to provide any specific teaching concerning an axle seat longitudinal centerline located outboard of a pivot axis longitudinal centerline. Furthermore, the structure and operation of a trailing arm suspension as recited in claim 19 is substantially different than the arrangement disclosed in Great Britain '386. Accordingly, Applicant submits that the references themselves do not teach any motivation to combine VanDenberg '263 with Great Britain '386.

Claims 20 and 27-33 depend from claim 19, and are therefore believed to be allowable for those reasons set forth above with respect to claim 19.

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Applicant has made a concerted effort to place the present application in condition for allowance, and a notice to this effect is earnestly solicited. In the event there are any remaining informalities, the courtesy of a telephone call to the undersigned attorney would be appreciated.

Respectfully submitted,
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By: Price, Heneveld, Cooper,
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